

Mr. Anderson called up House bill No. 794, to amend section seven of "An act entitled an act to incorporate the city of Waco," approved April 26, 1871, upon which the following veto message had been received:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, May 15, 1873. }

*Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas:*

SIR: I have to return to the House of Representatives, where it originated, the act entitled, "An act to amend section seven of an act entitled an act to incorporate the city of Waco, approved April 26, 1871."

I have to make objection to the thirty-eighth clause of section one, which provides the manner in which the city of Waco can take stock in railroad companies. There is some doubt whether, under our present Constitution, the people of cities and towns can be taxed to aid private enterprises, under the name of internal improvements, even if two-thirds of the people vote in favor of such aid. The Constitution authorizes this to be done by counties, but nowhere provides for the doing of it by cities and towns. Thus, in conformity with the legal maxim that the expression of one thing excludes the other, perhaps it was not intended that cities and towns should have that authority. But, without proposing fully to assume this ground, the act is objectionable because it authorizes this to be done by *two-thirds of those voting*, instead of two-thirds of all the registered voters of the city, as required by the general act on the subject, approved April 12, 1871, and the amendments thereto.

I think it will be apparent to the House, that it is unsafe to forsake the rule laid down in that act, as regards the proportionate number of voters whose assent should be required before such enterprise is engaged in.

Very respectfully,

EDMUND J. DAVIS, Governor.